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E.O. 12958: DECL: 07/27/2034
TAGS: [EFIN](#) [ETTC](#) [KTFN](#) [PREL](#) [PTER](#) [ZF](#) [UNSC](#)
SUBJECT: UNSC DRC SANCTIONS COMMITTEE DELISTING PROPOSAL

REF: A. KINSHASA 716
[1](#)B. PARIS 982
[1](#)C. STATE 66735
[1](#)D. KIGALI 292
[1](#)E. STATE 39754

Classified By: IO ACTING A/S ANDERSON FOR REASONS 1.4 (B) & (D)

[1](#)1. (U) This is an action request; see para 3.

STRATEGIC OBJECTIVE

[1](#)2. (SBU) The strategic objective is to ensure the United States is in compliance with its UN obligation to freeze assets on U.S. territory of individuals and entities designated by the UN Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo ("the DRC Sanctions Committee" - www.un.org/sc/committees/1533/index.shtml).

ACTION REQUEST

[1](#)3. (SBU) Action addressees are requested to inform host governments that the United States does not have adequate information to domestically designate the four individuals and one entity listed in para 5; therefore, we will propose they be delisted by the DRC Sanctions Committee on 24 August. If host governments have the information the United States seeks, we request post send the information via standalone UNCLASSIFIED cable. Unless otherwise instructed, USUN is requested to propose the four individuals and one entity for delisting on 24 August.

BACKGROUND

[1](#)4. (S/NF) In October 2005, the UK, France, and the United States submitted seventeen individuals and entities for designation by the DRC Sanctions Committee for violating the arms embargo on the DRC. The DRC Sanctions Committee designated these seventeen individuals and entities on 14 October 2005, but the United States has not domestically designated nine of the individuals and one entity. If these individuals or entity have assets on U.S. territory, then the United States is out of compliance with its UN obligation to freeze assets of listed individuals/entities. Lack of action by the U.S. to implement these obligations undercuts our

credibility in requesting other Member States to live up to their UN obligations. The United States' attempts to gather sufficient information to domestically designate these five and thereby fulfill its UN obligations have been unsuccessful.

INDIVIDUALS AND ENTITY

15. (SBU) The United States does not have adequate bio-identifiers (para 6 below) or information demonstrating the following individuals and entity meet the designation criteria (para 7 below)

- Floribert Ngabu NJABU
- Frank Kakolele BWAMBALE
- James NYAKUNI
- Jerome Kakwavu BUKANDE
- Tous Pour la Paix et le Developpement (entity)

BIO-IDENTIFIERS

16. (U) If exact information is not available, please request that governments provide whatever information is available (for example, years of birth and current believed locations would be useful, even if specific dates of birth and addresses are not available):

- AKAs
- DOB (critical)
- POB
- Citizenship
- Nationality
- Title / rank
- Current address or location
- Passport number and issuing country
- National ID number

DESIGNATION CRITERIA

17. (U) Pursuant to operative paragraph 4 of UNSC resolution 1857 (2008), the asset freeze and travel ban shall apply to individuals and entities as designated by the DRC Sanctions Committee that meet any of the following criteria:

- Persons or entities acting in violation of the arms embargo;
- Political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;
- Political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;
- Political and military leaders operating in the DRC and recruiting or using children in armed conflicts in violation of applicable international law;
- Individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;
- Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the DRC; and/or,
- Individuals or entities supporting the illegal armed groups in the eastern part of the DRC through illicit trade of natural resources.

REPORTING DEADLINE AND POC

18. (U) Posts are requested to respond by 14 August. Point of contact in IO's Office of Peacekeeping, Sanctions, and

Counterterrorism is Jean Clark (202.736.7736;
clarkjt@state.sgov.gov).

19. (U) Department appreciates Posts' efforts. Particular thanks go to Embassy Kigali, which has already provided necessary bio-identifiers for one individual (reftel D), and to Embassy Kinshasa for its repeated inquiries with the GDRC regarding the bio-identifiers of an individual in para 5 who is in GDRC custody (reftel A).

CLINTON